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Convention on the Rights of Persons with Disabilities

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List of issues in relation to the initial report of Uganda

Addendum

Replies of Uganda to the list of issues*

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* The present document is being issued without formal editing.

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List of Abbreviations

CBR	Community Base Rehabilitations
CRPD	Convention on the Rights of Persons with Disabilities
DPOs	Disabled Persons Organizations
EC	Electoral Commission
EOC	Equal opportunities commission
HIV/AIDS	Human Immune-deficiency Virus/Acquired Immune Deficiency Syndrome
JLOS	Justice, Law and Order Sector
MDAs	Ministries, Departments and Agencies
MGSLD	Ministry Of Gender, Labour Gender, Labour and Social Development
NCD	National Council for Disability
PWDs	Persons with Disabilities

Introduction

1. The Responses to the List of Issues which were raised by the Committee of Experts on the United Nations Conventions on the Rights of Persons with Disabilities in regard to the Initial State Report on the implementation of the Convention on the Rights of Persons with Disabilities has been compiled through a consultative process.

2. The Institutions which included Ministry of Health, Ministry of Education, Science, Technology and Sports, National Council for Disability, Equal Opportunities Commission, and Uganda Foundation for the Blind were coordinated by the Ministry of Gender, Labour and Social development.

3. These responses provide supplementary information to the Initial Report of Uganda which was summated to the Committee of Experts on the CRPD.

A. Purpose of general obligations (arts. 1-4)

Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/UGA/Q/1)

4. The harmonization process started with the Amendment of the Persons with Disabilities Act (2006). Under the Amendment of the Persons with Disabilities Bill (2014), the definition of disability has been harmonized with that of the Convention on the Rights of Persons with Disabilities to read as follows 'disability means permanent and substantial limitation of daily life activities caused by physical, mental, or sensory impairments and environmental barriers, resulting in limited participation.

5. This was arrived at through wide consultation with government, civil society and Disabled Persons Organizations (DPOs). This being the principle law on disability, the definition therein overrides all definitions of disability in other already existing laws. None the less, the process of reviewing other laws is ongoing in phases and the disability movement in the country is directly involved. The National Council for Disability Amendment Act (2013) included more categories of Persons with Disabilities.

Reply to the issues raised in paragraph 2 of the list of issues

6. In 2009, a couple of dialogues commenced between Government, Civil Society and Organizations of Persons with Disabilities on a number of issues namely:

1. Amendment of the Persons with Disabilities Act (2006)

Updates

7. The Persons with Disabilities Bill (2014) has been tabled before Parliament and has gone through the first reading. Significantly, the Bill introduces sanctions and penalties to offenders.

8. Definition and coding of disability has been further clarified including Little Persons and Persons with Albinism.

2. *Amendment of the National Council for Disability (NCD) Act 2003, with particular emphasis on management of Persons with Disabilities elections*

Updates

9. NCD Amendment Act (2013) has provided for a shift from using Organizations of Persons with Disabilities' structures to the Local Government structures as electoral colleges. Government now takes full responsibility and accountability of the electoral process right from village to the National Level, thus more involvement of Persons with Disabilities at various levels.

10. Definition and coding of disability under the NCD Amendment Act has been harmonized

3. *Inclusion of disability specific concerns in the Uganda National Population and Housing Census*

Updates

11. More effort was made to improve the quality of the Uganda National Housing and Population Census questionnaire of 2014, with more disability specific concerns.

12. The training of the enumerators deliberately included focus on disability.

13. The preliminary results of the 2014 Uganda National Housing and Population Census states that the population of Persons with Disabilities is at 16%. More advocacy is being done for disability specific data collection by Uganda Bureau of Statistics.

B. Specific Rights

Equality and non-discrimination (art. 5)

Reply to the issues raised in paragraph 3 of the list of issues

Updates

14. The 1995 Constitution of Uganda, Article 32 prohibits discrimination against marginalized groups on the basis of gender and disability, among others. In order to operationalize the Constitutional Provisions in respect to discrimination the Equal Opportunities Commission Act (2007) was adopted.

15. The Equal Opportunities Commission (EOC) Act and Policy of 2007, clearly address non-discrimination tendencies. It emphasizes Elimination of discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them.

16. The Equal Opportunities Commission also has a tribunal with powers of court to look into cases of discrimination and marginalization

17. The review process of Person with Disabilities Act (2006) recognizes non-discrimination as key concept in the bill with the spirit of promoting inclusion and participation of Persons with Disabilities in all national development processes.

18. The Public Finance Management Act 2015 has introduced requirement for all Government Ministries, Departments and Agencies and Local Governments (MDAS&LGS) to have the budget frame work papers and Ministerial Policy Statements to be gender and equity compliant before they can be issued with a certificate of compliance for them to access funds from Ministry of Finance, Planning and Economic Development.

Women and Children with Disabilities (arts. 6 and 7)

Reply to the issues raised in paragraph 4 of the list of issue

Updates

19. The Ministry of Gender, Labour and Social Development (MGLSD) established a child-helpline to report cases of child abuse and general violation of children's rights.

20. The Gender Based Violence (GBV) Act makes specific mention on girls and women with disabilities in observing their rights

21. There has been country-wide training of service providers to specifically make effort in reporting of cases including issues of girls and women with disabilities

22. The Children's Act Cap 59, Section 9, provides for protection of Children with Disabilities against violence. There has been countrywide training of Para-social workers and Child Protection Committees on child protection. To date, training has been carried out 80 districts out of 112 Districts in Uganda.

23. The National Council for Disability (NCD) has the mandate to conduct investigations into matters of violation of rights of all Persons with Disabilities including girls and women with disabilities.

24. The National Council for Disability (NCD) has conducted training for district councils for disability in the Northern Region of Country on monitoring and reporting skills on rights of Persons with Disabilities.

25. The Ministry of Gender, Labour and Social Development engaged the nine cultural institutions on scaling down gender based violence and early marriages, since 2010.

26. The Penal Code Act Amendment (2007) provides for the sexual abuse against children with disabilities to be classified as aggravated defilement and attracts higher sanctions.

27. The reporting of sexual abuse against girls and women has been made easier by reviewing Police Form three (3) for examination to be carried out by a Clinical Officer other than the Police Surgeon.

Reply to the issues raised in paragraph 5 of the list of issues

Updates

28. The Ministry of Gender, Labour and Social Development (MGLSD) gender and equity strategies do not discriminate against any woman. However, there is still need to sensitize women, men, girls and boys with disabilities on how they can benefit from the current strategies.

29. The Equal Opportunities Commission Act provides for representation of Persons with Disabilities and currently the representative of persons with disabilities is a woman with disability.

30. The National Youth Council Act Section 6 (5) (f) Cap 319 provides for representatives of Persons with Disabilities.

31. The Local Government Act (1997) as amended provides for representation of male and female councilors with disability at Local Council 3, 4 and 5. These representatives are supposed report and articulate on issues of girls and women with disabilities.

32. The Children's Act Cap 59, Section 9 provides for protection of Children with Disabilities. The Ministry has undertaken a study on the situation of Children with Disabilities in Uganda whose findings are informing the National Plan of Action for Children with Disabilities to guide inclusive interventions of these children.

33. In addition, the Local Government Act provides for establishment of local councils from village to district level where Persons with Disabilities are represented, thus issues of Women and Children with Disabilities are included in planning, implementation and monitoring.

Reply to the issues raised in paragraph 6 of the list of issues

Updates

34. The Representatives of Persons with Disabilities at various levels get the views and opinions of youth and children to be presented at different fora. These among others include the Equal Opportunities Commission, representatives on the Local Government Councils and the Youth Councils.

35. The National Council for Disability (NCD) has spot messages and talk-shows on the rights of Children with Disabilities TVs and Radios. The Parliament of Uganda has Parliamentary Forum for Children where issues of girls and boy children have been discussed and brought to attention of different stakeholders.

Awareness-raising (art. 8)

Reply to the issues raised in paragraph 7 of the list of issues

Updates

36. The Community Based Rehabilitation (CBR) program has an awareness raising campaign as a strong component and one of its major activities. Government has provided air space on all radio stations for Government Officials to explain Government programs and make awareness campaigns on vulnerable groups. The Minister in charge of disability frequently takes up these programs to raise awareness on issues of persons with disabilities.

37. The National Council for Disability (NCD) has spot messages on voter education for Persons with Disabilities, rights of Children with Disabilities, TV and Radio talk-shows.

38. The skilling Uganda 10 yr development program recommended and developed a module on disability and disability management module, to run from 2010-2020 Kyambogo University under the Special Needs and Rehabilitation Faculty has a Department on disability related studies. In addition all Primary teacher training colleges have a module on disability and Special Needs Education.

39. The Uganda National Culture Policy, among its priority areas of interventions promotes beliefs, values, customs and traditions that enhance human dignity and to act on customs that impinge on this dignity.

40. The Government of Uganda on an annual basis organizes the International Day for Persons with Disabilities as an awareness raising activity on the rights of Persons with

Disabilities, to show case the potentials of Person with Disabilities reflect on the achievements in service delivery for Person with Disabilities and plan for the future. A lot of advocacy has been made to ensure that the day is gazetted so that it attracts more funding.

Accessibility (art. 9)

Reply to the issues raised in paragraph 8 of the list of issues

Updates

41. The Building control Act 2013, which is the overall guiding framework, provides for physical accessibility and that all new buildings should have provisions on physical infrastructure and reasonable accommodation. The Regulations to operationalize the law are being developed. The Public Procurement and Disposal of Assets Act (PPDA) is informed by the Building Control Act. The users of the PPDA Act need to be sensitized on the Building Control Act 2013.

42. The Ministry of Works and Transport developed a policy in 2008 aimed at mainstreaming persons with disabilities and older persons in the transport sector. Kyambogo and Makerere Universities have developed policies on Disability which provide for accessibility to buildings. There is need to advocate for operationalization of the policies.

43. The Ministry of Education, Science, Technology and Sports developed and issued guidelines to all districts to construct accessible classrooms, administration blocks, staff houses and sanitation facilities in Universal Primary and Secondary Education Schools which receive the School Facilitation Grants.

Equal recognition before the law (art. 12)

Reply to the issues raised in paragraph 9 of the list of issues

Updates

44. Clause 44 of the Mental Health Bill which was gazetted in 2014 provides for capacity and competence for supported decision making for persons with disabilities including intellectual and or psycho-social disabilities.

45. Clause 44(2) provides for a Medical Practitioner and the Mental Health Advisory Board to determine the incapacitation of a person. This requires to be amended and include Social Workers and representatives of Organizations of Person with Disabilities.

Access to justice (art. 13)

Reply to the issues raised in paragraph 10 of the list of issues

Updates

46. There has been an effort to improve physical accessibility in the newly constructed court buildings such as the newly established Anti- Corruption court in Kampala. In addition a number of court buildings in Local Governments are being modified by constructing ramps and support rails. Sign language interpreters are provided for during

court sessions where need arises. However, Braille and large print have not yet been provided for and this is something that government will take on.

47. Currently, Ministry of Justice and Constitutional Affairs in collaboration with the Law Reform Commission are reviewing the Magistrates Act and the Indictment Act and consultations are ongoing. The Justice, Law and Order Sector (JLOS) is in the process developing a strategy to mainstream disability in its programs.

48. Kyambogo University which a Government University offers a Diploma Course in sign language.

49. There is a joint effort between government and civil society to train different service providers in sign language to ease communication between the public and the deaf.

Liberty and security of person (art. 14)

Reply to the issues raised in paragraph 11 of the list of issues

50. Article 23(1) (f) of the 1995 Constitution provides for involuntary institutionalization for care and treatment of the person and protection of the community.

51. Article 23(3) provides for immediate provision of information in a language understood by the person for reason of their restriction the right to a Lawyer of his/her choice.

52. Article 23(5) where a person is restricted or detained;

(a) The next of kin of that person shall, at the request of that person, be informed as soon as practicable of the restriction or detention;

(b) The next of kin, lawyer and personal doctor of that person shall be allowed reasonable access to that person;

(c) The person shall be allowed access to medical treatment, including at request and cost of that person access to private medical treatment.

53. A Mental Health Bill (2014) was developed and is before Parliament. The Bill provides for a Mental Health Advisory Board which has powers to set up tribunals to people with Mental Health disorders regarding their treatment.

Freedom from torture or cruel, inhuman or degrading treatment or punishment, and protecting the integrity of the persons (arts. 15 and 17)

Reply to the issues raised in paragraph 12 of the list of issues

54. The Mental Health Bill (clauses 9, 10,11,12,13 and 14) provide for protection of Mental Health patients from exploitation and abuse including powers of police, Electro convulsive therapy, seclusion of patients and mechanical bodily restraint and sets penalties for illegal practices.

55. The dehumanizing language in the Mental Treatment Act of 1964 has been amended in the Mental Health Bill 2014 that is before Parliament.

56. The Persons with Disabilities Bill 2014 and Mental Health Bill 2014 are before Parliament and consultations are on-going.

Reply to the issues raised in paragraph 13 of the list of issues

57. Clause 38 of the Mental Health Bill provides for protection of Mental Health patients from exploitation and abuse including degrading treatment, forced labour and use of treatment as a punishment. Penalties for contravention attract a fine and or imprisonment.

Freedom from exploitation, violence and abuse (art. 16)

Reply to the issues raised in paragraph 14 of the list of issues

58. The National Council for Disability (2003) is mandated to investigate violation of rights for Persons with Disabilities. However, it has not yet done so because it has not yet recruited legal and human rights officers.

59. Human Rights Commission undertook an enquiry in the abuse of the rights of the person with disabilities and presented the report to parliament of Uganda for discussion. (Get more information from Human Rights and Department of Gender and police).

Liberty of movement and nationality (art. 18)

Reply to the issues raised in paragraph 15 of the list of issues

60. The Clause unsound mind has been challenged by the constitutional court, in favor of dropping the dehumanizing language in the existing legal framework of the country.

Living independently and being included in the community (art. 19)

Reply to the issues raised in paragraph 16 of the list of issues

61. Under Affirmative action, Government through the Special Grant for Persons with Disabilities and their parents or caregivers, releases approximately 1million dollars annually to support economic ventures of Persons with Disabilities organized in groups at community level to support their independent living. Approximately, 1,500 groups of Persons with Disabilities have benefited from this grant from 2012 to date.

62. Government of Uganda has adopted Community Based Rehabilitation Program as a support service towards independent living of Persons with Disabilities in the community. Accordingly, 26 districts receive funding annually to implement the program and plans are underway to scale up the program to cover the whole country.

63. Currently, there are four vocational training institutions supported by Government to provide vocational training for youth with disabilities between the ages of 16-30 years. On average 200 trainees are admitted every year in all the institutions, of whom 60% are female and 40% are male.

64. Social Assistance Grant for Empowerment is another government program for supporting independent living of older persons with disabilities within the age brackets of 65 years except for Karamoja where the age bracket is 60 years and above.

Education (art. 24)

Reply to the issues raised in paragraph 17 of the list of issues

65. Uganda put in place Universal Primary and Secondary Education programs to promote inclusion of learners with disabilities in schools. There is a draft special needs and inclusive education policy in place, to address issues of inclusive education and efforts are being made to adopt the Policy. Furthermore, the National Curriculum Development Centre is in process of reviewing the primary teachers training curriculum to include a module on special needs education.

66. Kyambogo University which is a Government's a University is responsible for training special needs education teachers.

67. Special Needs Education Department in the Ministry of Education, Science, Technology and Sports has been provided with a special vote starting with financial year 2015/2016, to promote inclusive education, in primary and secondary schools.

Reply to the issues raised in paragraph 18 of the list of issues

68. All Government Universities for the last four years have been admitting 64 students through the Joint Admissions Board every year. Other Tertiary Institutions, mainly government are yet to embrace the affirmative action.

69. A Disability Scheme has been initiated by Makerere and Kyambogo universities to create an enabling environment for students with disabilities.

70. Among the services provided are purchase of assistive devices for students with physical disabilities Perkins Braillers, provision of a stipend, accommodation and feeding for guides and helpers of students with disabilities.

Health (art. 25)

Reply to the issues raised in paragraph 19 of the list of issues

71. The Ministry of Health policy provides for the written informed consent of the actual individual or the next of kin in cases where a person presents with intellectual and/or psychosocial disabilities.

72. The Mental Health Bill which is before parliament provides for informed consent for treatment except where the conditions stipulated in clause 9 on involuntary admission are fulfilled. This Bill has not been enacted because since 2013/2014, government priority has been on reviewing the electoral laws which include National Council for Disability Amendment Act 2013, National Council for Disability Regulations, Local Government Act 2013, National Council for Women's Act, National Youth Council Act which supported the participation of Persons with Disabilities in the electoral process. The second priority of Government was to review the National Development Plan one.

73. However, government is still committed to completing the process of amending and enacting the health related laws.

Habilitation and Rehabilitation (art. 26)

Reply to the issues raised in paragraph 20 of the list of issues

74. To date, the CBR Program is implemented in 26 districts and efforts are being made to expand the program in the whole country phased manner. Community Development Officers in charge disability have been recruited in all districts and are trained to further the implementation of the Community Based Rehabilitation Program. Training of Community Based Rehabilitation workers, volunteers and Artisans is ongoing to improve the coverage in rural and remote areas. Some Orthopedic Departments and Workshops in Regional hospitals are producing some assistive devices used in the implementation of the Community Based Rehabilitation Program.

75. Para-social workers for orphans and vulnerable children have been trained in 80 districts to assist in early identification of disabilities and making referrals for rehabilitation.

76. Nothing has been done in the area of habilitation but Government is committed to formulating a policy on habilitation.

Work and employment (art. 27)

Reply to the issues raised in paragraph 21 of the list of issues

77. The Labour Laws in Uganda provide for employment of all persons including persons with disabilities. The Employment Regulations 2011 First schedule A, has included disability in its checklist. Further, Government is in the process of compiling disaggregated data on employed persons with disabilities in the country.

78. The Employment Policy of 2011 recognizes that employment of persons with disabilities among others is important for wealth creation and poverty eradication, so it calls upon Government to pursue strategies such as designing programs that involve and benefit the most disadvantaged groups. To this respect, government has put in place the Special Grant for Persons with Disabilities as part of the affirmative programs of improving employment of Persons with Disabilities. This program started in 48 districts in 2009/2010, to date; it is being implemented in 112 districts and all municipalities, with a minimum of 15 groups per year benefiting in every district. Government is in process of compiling data to establish actual beneficiaries country wide. The Ministry, further, is in process of initial stages developing a system to generate disaggregated on employment of Persons with Disabilities in the country.

79. Government, further, has embarked on a number of development programs aimed at equipping persons with disabilities with skills to compete for employment in the labour market. These include Skilling Uganda, Youth Livelihood Program and the Vocational Rehabilitation Centres, among others.

Adequate standards of living and social protection (art. 28)

Reply to the issues raised in paragraph 22 of the list of issues

80. The Social Protection Policy has a provision on social health insurance, for all Ugandans including Persons with Disabilities. As regards poverty reduction, persons with disabilities have been mainstreamed in the poverty eradication programs as mentioned in section 21 above.

Participation in political and public life (art. 29)

Reply to the issues raised in paragraph 23 of the list of issues

81. The Parliamentary Election, the National Council for Disability Amendment and the Local Government Acts provide for among others:

(a) Election of representatives of Persons with Disabilities at various levels;

(b) Formation of electoral committees of Persons with Disabilities from village to National level by Electoral Commission. This is a shift from NUDIPU structures to Local Government Structures, which opens participation to all willing Persons with Disabilities of voting age;

(c) More detailed disability coding which includes new disabilities like albinism, little people and psycho-social disabilities;

(d) Further, the Electoral Commission has a Desk Officer in charge of special interest groups (women, youth, workers and Persons with Disabilities).

Participation in cultural life, recreation, leisure and sports (art. 30)

Reply to the issues raised in paragraph 24 of the list of issues

82. The Persons with Disabilities Act 2006 is being reviewed and once enacted, regulations will be developed to operationalize it.

83. The Ministry of Education, Science, Technology and Sports has put sports for Persons with Disabilities on their national school sports calendar.

84. The Ministry of Gender, Labour and Social Development is developing the National Action Plan on children with Disabilities which has included recreation and sports.

85. The Government has established the Para-lympics committee to plan for sports of Persons with Disabilities and Government funds it.

C. Specific obligations

Statistics and Data collection (art. 31)

Reply to the issues raised in paragraph 25 of the list of issues

86. The 2014 Uganda National Housing and Population Census had specific questions on disability and the preliminary results put the population of Persons with Disabilities at 16%.

87. The Ministry of Health has reviewed the Health Information Management Information System tools to capture Persons with Disabilities who access health services in all health facilities.

88. The Ministry of Gender, Labour and Social Development developed Disability Mainstreaming Guidelines, 2012 which are operational and have a full chapter on monitoring.

National Implementation and Monitoring (art. 33)

Reply to the issues raised in paragraph 26 of the list of issues

89. The Ministries of Health, Ministry of Education, Science, Technology and Sports and Ministry Gender, Labour and Social Development have Focal Points. In addition the Gender, Labour and Social Development is following up other ministries to appoint Focal Point Persons as per the CRPD.

90. As far as independent monitoring is concern, Government has put in place the National Council for Disability, the Equal Opportunities Commission and the Human Rights Commission, to monitor the implementation of the CRPD.

Reply to the issues raised in paragraph 27 of the list of issues

91. The National Council for Disability Act (NCD) (2003 provides for appointment of members at national level by the Minister in charge of Disability and Elderly Affairs in consultation with National Organizations of Persons with Disabilities.

92. At District Level, the Local V Chairpersons, in consultations of District Associations, at Municipality by the Municipal Mayor in consultation with Municipality Associations and other relevant chairpersons at lower levels.

93. There is an enabling law and policy framework and an elaborate National Council for Disability structure.

94. The structure of the council needs to be strengthened in terms of staffing in the areas of legal and human rights as well as monitoring and evaluation personnel.